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March 2, 2025

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Hector Gonzalez, U.S.D.J.
225 Cadman Plaza East
Courtroom 6A South
Brooklyn, NY 11201-1804

Re: Graci v. J&D Pizza Restaurant Inc., et ano
Case No.: 1:24-cv-8572 (HG)

Dear Judge Gonzalez:

This firm represents the Defendants in the above-referenced case. Defendants write in response to this Court's Order dated March 2, 2025.

Defendants understand this Court's concerns about Cheeks fairness review. However, as the Court recognizes, there is no judicial review. See Yu v. Hasaki Rest., Inc., 944 F.3d 395, 414 (2d Cir. 2019). Defendants submit that there is precedent for the vacatur of a judgment entered by a Rule 68 offer. See Martinez-Cruz v. York Bagels, Inc., Case No.: 1:20-cv-4084 (KPF) (SN), ECF Docket Entries [41](#) and [42](#). Based on the foregoing, this Court should grant Defendants' consent motion to vacate the judgment.

Defendants thank this honorable Court for its time, attention, and anticipated courtesies in this case.

Dated: Jamaica, New York
March 2, 2025

Respectfully submitted,

SAGE LEGAL LLC

/s/ Emanuel Kataev, Esq.

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